

1 LUKE W. COLE, California Bar No. 145,505
2 CAROLINE FARRELL, California Bar No. 202,871
3 BRENT J. NEWELL, California Bar No. 210,312
Center on Race, Poverty & the Environment
4 47 Kearny St, Suite 804
San Francisco, CA 94108
415/346-4179 • fax 415/346-8723

5 NANCY S. WAINWRIGHT, Alaska Bar No. 8711071
Law Offices of Nancy S. Wainwright
6 13030 Back Road, Suite 555
Anchorage, AK 99515-3358
7 907/345-5595 • fax 907/345-3629

8 Attorneys for Plaintiffs Enoch Adams, Jr., Leroy
Adams, Andrew Koenig, Jerry Norton, David
9 Swan and Joseph Swan

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

13 ENOCH ADAMS, JR., LEROY ADAMS,
14 ANDREW KOENIG, JERRY NORTON
DAVID SWAN and JOSEPH SWAN,

Case No. A04-49 (JWS)

15 Plaintiffs,

JOINT NOTICE OF
SETTLEMENT

16 v.

17 TECK COMINCO ALASKA INCORPORATED

18 Defendant.

19 NANA REGIONAL CORPORATION and
20 NORTHWEST ARCTIC BOROUGH,

21 Intervenors-Defendants.

22
23
24 Subject to formal approval, the parties have reached agreement on the terms of settlement of
25 all issues presented in this litigation. They are still drafting certain of the documents necessary to
26 effectuate their agreement, and it is still necessary to obtain signatures of the parties and the consent
27 of certain non-parties to the litigation (for example the City of Kivalina and the Native Village of
28

JOINT NOTICE OF SETTLEMENT

Kivalina are beneficiaries of the agreement and must consent to receive funds and materials to be furnished to them).

The parties respectfully request the Court to remove from its calendar the May 15, 2008 hearing before Judge Burgess and the trial scheduled to commence on May 19, 2008 before Judge Sedwick.

The parties will file formal settlement documents as soon as possible.

/S/ Luke Cole
Luke Cole
Attorney for Plaintiffs

/S/ Sean Halloran
Sean Halloran
Attorney for Defendant Teck Cominco Alaska Inc.

/S/ James Torgerson
James Torgerson
Attorney for Intervenor NANA Regional
Corporation, Inc.

/S/ David S. Case, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of May 2008, a true and correct copy of the foregoing Joint Notice of Settlement was served, via electronic mail, on the below identified parties of record:

Sean Halloran
Hartig Rhodes
717 K Street
Anchorage, AK 99501

Nancy S. Wainwright
Law Offices of Nancy S. Wainwright
13030 Back Road, Suite 555
Anchorage, Alaska 99515-3538

1 James E. Torgerson
2 Heller Ehrman White & McAuliffe LLP
3 510 L Street, Suite 500
4 Anchorage, Alaska 99501-1959

5 David S. Case
6 Landye Bennett Blumstein LLP
7 701 W. 8th Ave., Suite 1200
8 Anchorage, AK 99501

9 Thane Tienson
10 Landye Bennet Blumstein
11 1300 Southwest Fifth Ave, Suite 3500
12 Portland, OR 97201

13 _____/S/
14 Luke Cole
15
16
17
18
19
20
21
22
23
24
25
26
27
28